

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMERICAN CIVIL LIBERTIES UNION OF
MASSACHUSETTS and LAWYERS FOR
CIVIL RIGHTS,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, IMMIGRATION
AND CUSTOMS ENFORCEMENT,

Defendants.

Case No. 19-cv-12564

**PLAINTIFFS' MOTION TO SET 30-DAY DEADLINE FOR DEFENDANTS'
RESPONSE TO COMPLAINT IN ACCORDANCE WITH FOIA, 5 U.S.C. § 552(A)(4)(C)**

Plaintiffs the American Civil Liberties Union of Massachusetts (“ACLUM”) and Lawyers for Civil Rights (“LCR”) (collectively, the “Plaintiffs”) move to set a thirty-day deadline for Defendants the United States Department of Homeland Security (“DHS”) and Immigration and Customs Enforcement (“ICE”) (collectively, “Defendants”) to respond to Plaintiffs’ complaint. In support of this motion, Plaintiffs state as follows:

1. On December 23, 2019, Plaintiffs filed a complaint in this Court under the Freedom of Information Act (“FOIA”).¹
2. Under the Federal Rules of Civil Procedure, United States agencies ordinarily have sixty days to answer a complaint.²

¹ 5 U.S.C. § 552.

² Fed. R. Civ. P. 12(a)(2).

3. However, FOIA sets the deadline for all defendants—without exception—at thirty days.³
4. No “good cause” has been shown under FOIA for the Court to alter the thirty day deadline.⁴

THEREFORE, Plaintiffs request that the Court grant this motion setting a thirty day deadline for Defendants’ response to the complaint.

Date: December 23, 2019

Respectfully Submitted,

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³ 5 U.S.C. § 552(a)(4)(C); *American Civil Liberties Union Of Maine Foundation v. U.S. Dep’t of Homeland Sec.*, 2:18-cv-00176-JDL, ECF No. 7 (D. Me. May 22, 2018) (resetting answer deadline from 60 days to 30 days pursuant to 5 U.S.C. § 552(a)(4)(C)).

⁴ 5 U.S.C. § 552(a)(4)(C).